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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/460,089 | 12/14/1999 | SHMUEL SHAFFER | M-7917-US | 1994 |

33031 7590 06/14/2006

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| EXAMINER |
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ZIA, SYED

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| ART UNIT | PAPER NUMBER |
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2131

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/460,089 | Applicant(s) SHAFFER ET AL. | |
| | Examiner Syed Zia | Art Unit 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-11,13,15,16,18-26,30,33-37,39-41,45,48-52 and 54-56 is/are rejected.
- 7) ☒ Claim(s) 4,7,14,17,27-29 and 42-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to request for continued examination, and amendment filed on March 28, 2006. Original application contained Claims 1-56. Applicant previously cancelled Claims 2, 12, and 31, 32, 38, 46, 47, and 53. Applicant previously amended Claim 1, 3-11, 13-21, 24-30, 33-37, 39-45, 48-52, and 54. Applicant currently amended Claims 1, 11, 24, and 39. The amendment filed have been entered and made of record. Presently pending claims are 1, 3-11, 13- 30, 33-37, 39-45, 48-52, and 54-56.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 28, 2005 has been entered.

Response to Arguments

Applicant's arguments with respect to claim 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 4, 7, 14, 17, 27-29, and 42-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-23, and 54-56 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Signal bearing transmission media is a form of energy, such as air waves, and instruction are not necessarily in executable form to accomplish practical application because it lacks storage medium which enables any underlying functionality to occur, therefore, directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-6, 8-11, 13, 15-16, 18-26, 30, 33-37, 39-41, 45, 48-52, and 54-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Yunoki. U. S. Patent 5,408,518.

3. Regarding claims 1 and 11 Yunoki teaches and describes a system and method, comprising:

- extending a persistent invitation to a first network station client to join an ongoing a conference call in response to a determination that the first network station client is unavailable to accept a non-persistent invitation to join the ongoing conference call, wherein said extending is performed after the ongoing conference call has begun and comprises, issuing a token to the first network station client (Fig.1, col. 4 line 30 to line 61, col.5 line 28 to col.6 line 5, and col.6 line 61 to col.7 line 47);

- detecting an activation of said token by said first network station client; and

- adding the first network station client to the ongoing conference call in response to said detecting. (Fig.1, col. 2 line 15 to line 48, and col. 4 line 38 to col. 6 line 25).

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4. Regarding claims 24 and 39 Yunoki teaches and describes a system and method, comprising:

- receiving at an initially unavailable network station client a persistent invitation to join a ongoing conference call wherein said receiving occurs after the ongoing conference call has begun and comprises, receiving a token indicative of said persistent invitation to join the ongoing conference call at said initially unavailable network station client (Fig.1, col. 2 line 16 to line 25, and col. 5 line 13 to col.6 line 5);

- and activating the token in response to user input to a network station client selected from the group comprising the initially unavailable network station client and another network station client; and adding the network station client to the ongoing conference call in response to said activating (Fig.1, col.3 line 40 to line 57, and col. 5 line 61 to col. 6 line 25, col.7 line 1 to line 60).

5. Claims 3,5, 7-8, 13-15, 17-18, 25, 29, 36, 40, 44, 51 and 54 are rejected applied as above in rejecting claims 1, 11, 24, and 39. Furthermore, Yunoki teaches and describes a system and

5. Claims 3,5, 8, 13,15, 18, 25, 36, 40, 51 and 54 are rejected applied as above in rejecting claims 1, 11, 24, and 39. Furthermore, Yunoki teaches and describes a system and method extending a persistent invitation to a first network station client to join a conference call in response to a determination that the first network station client is unavailable to accept a non-persistent invitation to join the conference, wherein:

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- receiving a message indicating that the first network station client is busy (col. 3 line 6 to line 29);

- at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (Fig. 5, col. 14 line 35 to col. 16 line 67);

- withdrawing the persistent invitation upon termination of the conference call wherein said withdrawing comprises releasing said token at said first network station client (col.22 line 53 to line 59);

- at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (Fig. 5, col. 14 line 35 to col. 16 line 67);

- accepting user input indicating that the persistent invitation to join the ongoing conference call has been accepted; and transmitting said token to a multipoint controller as an indication that the persistent invitation to join the ongoing conference call has been accepted (Fig. 6, col. 17 line 36 to col. 18 line 54);

- withdrawing an ability to activate the token in response to a notification that the conference call has terminated (col. 22 line 53 to line 59);

- signal bearing media bearing said means for receiving at said initially unavailable network station client said persistent invitation to join said ongoing conference call, and said means for activating the token (col.7 line 1 to line 33).

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6. Claims 6, 9, 16, 19, 21, 26, 30, 33, 37, 43, 45, 48, 52, and 55-56 are rejected applied as above in rejecting claims 5, 8, 15, 18, 25, 29, 36, 40, 44, 51 and 54. Furthermore, Yunoki teaches and describes a system and method of registering the participants; a function of automatically notifying an invitation to, a cancellation of, an absence from and a status confirmation of a teleconference, and a function of automatically holding a teleconference by calling up the participants for an online connection at a specified time on a designated date; wherein:

- a reference used to retrieve state data where such state data functions as at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (Fig. 5, col. 14 line 35 to col. 16 line 67);

- notifying the first network station client that the conference call has been terminated, and said releasing comprises releasing said token at said first network station client in response to said notifying (col. 22 line 53 to line 59);

- signal bearing media bearing said means for extending said means for detecting, said means for adding, and said means for withdrawing (col. 7 line 1 to line 33);

- receiving a reference used to retrieve state data where such state data functions as at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (col. 5 line 48 to col. 6 line 9);

- identification of a transmitting user as a valid participant in the ongoing conference call (col. 7 line 15 to line 34);

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- said transmitting comprises retrieving the token from a cache (col. 7 line 34 to line 47);
 - withdrawing comprises: withdrawing a presented notice that the persistent invitation to join the conference call has been extended (col. 22 line 4 to line 10);
 - signal bearing media further includes: recordable media; and transmission media (col. 2 line 26 to line 32).

7. Claims 10, 20, 22-23, 34-35, and 49-50 are rejected applied as above in rejecting claims 9, 19, 21, 33, and 48. Furthermore, Yunoki teaches and describes a system and method of teleconferencing, wherein:

- said notifying comprises: notifying the first network station client that the conference call has been terminated using multipoint controller (col. 18 line 38 to line 51, and col. 22 line 4 to line 10);
 - said signal bearing media further comprises: recordable media; and transmission media col. 2 line 26 to line 32);
 - said retrieving comprises: retrieving the token from a cache local to an invited network station client; and retrieving the token from a cache local to a network server (col. 7 line 34 to line 47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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June 08, 2006